

RESOLUTION 1991-174

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
CONCERNING THE TRAFFIC IMPACT POLICY

WHEREAS, it is the intention of the Town Council of the Town of Los Gatos to amend the policy requiring developers whose projects are shown to generate additional traffic in the Town of Los Gatos to establish the community benefits that would result from the project and to participate in the cost of constructing capacity enhancing and transit improvement projects to reduce traffic congestion.

RESOLVED, that the Town Council of the Town of Los Gatos does hereby adopt the Policy Statement as shown on the attached Exhibit "A" as the Town of Los Gatos Traffic Impact Policy.

FURTHER RESOLVED, this Resolution rescinds Resolution No. 1990-147.

PASSED AND ADOPTED by the Town Council of the Town of Los Gatos at a regular meeting held this 5th day of August 1991, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Joanne Benjamin, Steven Blanton, Mayor Brent N. Ventura

NAYS: None

ABSENT: Eric D. Carlson

ABSTAIN: None

SIGNED: /s/ Brent N. Ventura
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

TOWN OF LOS GATOS
TRAFFIC IMPACT POLICY

A. POLICY STATEMENT

1. The deciding body may approve a project with a minor traffic impact (one or more and less than five additional AM or PM peak hour trips) subject to payment of a traffic mitigation fee
2. The deciding body may approve a project with a traffic impact of five to nineteen additional A.M. or P.M. peak hour trips only if it is determined that the benefits of the project to the Town outweigh the impact of increased traffic and subject to payment of a traffic mitigation fee
3. The deciding body may approve a project with twenty or more additional A.M. or P.M. peak hour trips only if it is determined that the benefits of the project to the Town outweigh the impact of increased traffic and subject to:
 - a. preparation of a comprehensive traffic report.
 - b. Payment of a traffic mitigation fee
 - c. Payment of a proportionate share of the cost of the construction of circulation improvements in the immediate area.
4. Where benefits to the Town are required to be shown, applicants shall submit a letter of justification which clearly states housing or economic benefits and/or specific sections of the General Plan and any applicable Specific Plan which show that the type of project will benefit the community (See Section 2.5.6 of the General Plan). The burden of proof of community benefit is on the applicant.
5. In order to determine if a project will generate additional traffic, the Town will use composite trip generation rates derived from the following sources and updated from time to time:
 - Institute of Transportation Engineers (ITE)
 - San Diego Association of Governments (San DAG)
 - California Department of Transportation (CalTrans)
 - Other Municipalities such as the City of San Jose

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The specific mitigation measure(s) required would be based on the magnitude of the project's traffic impact which would also establish the procedure for processing the project as set forth below.

B. REVIEW PROCESS

1. Staff will initially determine whether a proposed project generates a net increase in traffic. If the project does not generate a net increase in traffic, the traffic policy does not apply. Therefore, the project will be recommended for approval or denial based on the merits of the project.
2. If there is a net increase in traffic, staff will review the applicant's proposal and determine if the project will create minor traffic impacts or major traffic impacts.
 - a. Minor traffic impact is defined as one or more and less than twenty additional AM or PM peak hour trips.
 - b. Major traffic impact is defined as twenty or more additional AM or PM peak hour trips.
 - c. The determination of whether a project has a minor or major traffic impact is based on a traffic analysis prepared by the Town Engineering Department based on standardized trip generation rates.
3. If a project is determined to have a major traffic impact, a traffic report shall be prepared by a private consultant, hired by the Town at the applicant's expense. The report will include an analysis of generated trips and any linked trips. If an applicant does not agree with the results of the Town's traffic analysis or the traffic report prepared by the Town's consultant, the applicant may have an independent traffic report prepared at the applicant's expense.
4. Projects that generate additional traffic of five or more peak hour trips may only be recommended for approval if the project's benefits to the community override the traffic impacts as determined by specific sections of the General Plan and/or any Specific Plan. If a project generates additional traffic of five

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or more peak hour trips the burden is on the applicant to cite economic or housing benefits to the Town and/or specific sections of the General Plan and any applicable Specific Plan that demonstrate the project's benefit to the Community which outweighs the traffic impact. The deciding body must make specific findings which demonstrate that the benefit(s) of the project outweigh the impact in order to approve the project.

3. If a project is determined to have a major traffic impact, a traffic report shall be prepared by a private consultant, hired by the Town at the applicant's expense. The report will include an analysis of generated trips and any linked trips.

C. MITIGATION OF TRAFFIC IMPACTS

If a project with a traffic impact is recommended for approval by staff and/or subsequently approved by the Planning Commission and/or Town Council, traffic mitigation measures shall be imposed. The traffic mitigation shall be in the form of an in-lieu traffic impact mitigation fee. The mitigation for projects with major traffic impacts will be the required payment of a traffic impact mitigation fee and a proportionate share or construction of intersection and/or roadway improvements within a specified distance from the project.

D. FEES

Based on a traffic analysis required in A above, any project which is found to cause a net increase in traffic shall pay a traffic impact mitigation fee, as established by separate resolution.

The traffic impact mitigation fee and any proportionate share of intersection improvements shall be due prior to Final Map approval, issuance of a Building Permit, or occupancy permit as applicable. The traffic impact mitigation fee shall

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be used to construct capacity enhancing projects (i.e., signals, street widening, etc.) that are listed in the Capital Improvement Program and transit improvement projects that are identified by the Town as a means of reducing traffic congestion.

E. RIGHT TO DEVELOP NOT GUARANTEED

Compliance with the provisions of the Traffic Impact Policy is not to be construed to be a right of development. The Town specifically retains the right of review and approval (or denial) of each project based on its merits.

RESOLUTION 1994-55

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING TRAFFIC IMPACT MITIGATION FEES AND
RESCINDING RESOLUTIONS 1990-144 AND 1993-134

RESOLVED, the Town Council hereby establishes a traffic impact fee payable pursuant to Chapter 37 of the Town Code as follows:

- A. The fee for residential uses shall be calculated at \$600 per Average Daily Trip (ADT), except that a secondary dwelling unit with a floor area of six hundred (600) square feet or less shall be exempt from this fee.
- B. The fee for medical office use shall be calculated at \$600 per ADT for the first ten (10) trips and \$120 per ADT thereafter.
- C. The fee for all other uses shall be calculated at \$600 per ADT for the first ten (10) trips and \$60 per ADT thereafter.
- D. The Town Council may exempt housing developments for very low, low and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing. The exempted fees will be made up from other sources of revenue. Traffic mitigation fees paid by other developers will not be used to subsidize the exempted projects. Each year the Town will identify how much money is to be allocated in the Capital Improvement Program for traffic improvement projects. Additional revenue sources will be identified to cover exempted fees.
- E. Walk-in, impulse businesses, such as juice bars, yogurt shops and donut shops, which do not serve meals, shall be considered Specialty Retail for purposes of traffic impacts only.

- F. Traffic credit may be granted for an existing or former use. When applicable, existing or former use traffic (ADT) shall be subtracted from the project traffic prior to calculating the fee. The first ten trips of the difference will be charged at the higher \$600 per trip rate.
- G. ADT is defined as the number of average daily trips associated with an identified land use as determined or derived from the most recent edition of Trip Generation by the Institute of Transportation Engineers or a Town sponsored traffic study - whichever is less. The Town approved traffic study will be paid for by the applicant.

FURTHER RESOLVED, this Resolution rescinds Resolution No. 1990-144 and Resolution No. 1993-134.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 4th day of April, 1994, by the following vote.

TOWN COUNCIL MEMBERS:

AYES: Joanne Benjamin, Steven Blanton, Linda Lubeck, Patrick O'Laughlin, and Mayor Randy Attaway.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED: /s/ Randy Attaway
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS